



February 23, 2005

HOUSE BILL No. 1341

DIGEST OF HB 1341 (Updated February 18, 2005 3:24 pm - DI 14)

Citations Affected: IC 7.1-3.

Synopsis: Permits in historic districts. Allows the alcohol and tobacco commission to issue ten three-way, two-way, or one-way permits to a restaurant that is located: (1) in a historic district in a city or town; or (2) not more than 500 feet from the historic district; if the historic district meets certain requirements. Provides that the legislative body of the city or town must adopt an ordinance requesting the alcohol and tobacco commission to issue the permit. Provides that an applicant may not already have an alcoholic beverage permit for premises within a historic district or within 500 feet of a district that is subject to a quota. Prohibits a permit issued under these provisions from being transferred to another location.

Effective: July 1, 2005.

Ayres, Alderman, Kuzman, Cheney

January 13, 2005, read first time and referred to Committee on Public Policy and Veterans Affairs.
February 22, 2005, amended, reported — Do Pass.

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February 23, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1341

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-3-20-16 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) A permit that is
3 authorized by this section may be issued without regard to the quota
4 provisions of IC 7.1-3-22.

5 (b) The commission may issue a three-way permit to sell alcoholic
6 beverages for on-premises consumption only to an applicant who is the
7 proprietor, as owner or lessee, or both, of a restaurant facility in the
8 passenger terminal complex of a publicly owned airport which is
9 served by a scheduled commercial passenger airline certified to
10 enplane and deplane passengers on a scheduled basis by a federal
11 aviation agency. A permit issued under this subsection shall not be
12 transferred to a location off the airport premises.

13 (c) The commission may issue a three-way, two-way, or one-way
14 permit to sell alcoholic beverages for on-premises consumption only to
15 an applicant who is the proprietor, as owner or lessee, or both, of a
16 restaurant within a redevelopment project consisting of a building or
17 group of buildings that:

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- (1) was formerly used as part of a union railway station;
- (2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and
- (3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

- (1) on land; or
- (2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

- (1) was formerly used as part of a passenger and freight railway station; and
- (2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to a town that:

- (1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and
- (2) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(g) After June 30, 2005, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets the following

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1 requirements:

2 (1) The district has been listed in the National Register of
3 Historic Places maintained under the National Historic
4 Preservation Act of 1966, as amended.

5 (2) A county courthouse is located within the district.

6 (3) A historic opera house listed on the National Register of
7 Historic Places is located within the district.

8 (4) A historic jail and sheriff's house listed on the National
9 Register of Historic Places is located within the district.

10 The legislative body of the municipality in which the district is
11 located must adopt an ordinance requesting the commission to
12 issue the permit. An applicant may not be the holder of a permit to
13 sell alcoholic beverages that is subject to IC 7.1-3-22 and is for
14 premises located within the district described in this section or
15 within five hundred (500) feet of the district. A permit issued under
16 this subsection shall not be transferred to another location.
17 Nothing in this subsection affects or restricts an alcoholic beverage
18 permit issued before July 1, 2005.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1341, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 37, delete "The" and insert "**After June 30, 2005, the**".

Page 2, line 37, delete "a" and insert "**not more than ten (10) new**".

Page 2, line 38, delete "permit" and insert "**permits**".

Page 2, line 37, delete "only to an applicant who is" and insert "**to applicants, each of whom must be**"

Page 3, line 15, after "location." insert "**Nothing in this subsection affects or restricts an alcoholic beverage permit issued before July 1, 2005.**".

and when so amended that said bill do pass.

(Reference is to HB 1341 as introduced.)

ALDERMAN, Chair

Committee Vote: yeas 10, nays 0.

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